

Meeting Minutes July 27, 2006

Town of Los Altos Hills City Council Regular Meeting

1. CALL TO ORDER, ROLL CALL, PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Regular Meeting to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley

Absent: None

Staff: City Manager Carl Cahill, City Attorney Steve Mattas, Administrative Services Director Sarah Ragsdale, Planning Director Debbie Pedro, Public Works Director/City Engineer Henry Louie, Parks and Recreation Supervisor Tod McLemore and City Clerk Karen Jost.

Mayor Warshawsky called for the Presentation of Colors. The Color Guard from Scout Troop 37 presented the flags and led the Council and audience in the Pledge of Allegiance.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Mordo and passed unanimously to limit comments from the floor to two minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Appointment to the Environmental Design & Protection Committee

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to appoint April Anair to the Environmental Design and Protection Standing Committee for a term of four years.

2.2 Appointment(s) to the Westwind Community Barn Committee

Councilmember O'Malley recused himself from participation in Agenda Item 2.2 and stepped down from the dais.

Council had before them applications from twenty resident candidates for consideration of appointment to the Westwind Community Barn Standing Committee. Two applications from non-residents had also been forwarded to Council for consideration.

Following a brief discussion, Council consensus was to invite all non residents to attend the first meeting of the Westwind Community Barn (WCB) Committee and if interested, to serve as associate members on the Committee.

Council conducted brief interviews of those candidates present and allowed testimonials from the public on behalf of candidates unable to attend the meeting,

The following residents were appointed by ballot vote of the City Council to the Westwind Community Barn Committee for terms of four years: Doreen Andriacchi, Nancy Couperus, Shari Emling, John Harpootlian, Jane Kawasaki, Susan Lam, Valerie Metcalfe, Jeanne Sealy and John Swan.

Council thanked everyone for their participation in the process. Councilmember Mordo extended an invitation to all interested in volunteering to attend the Committee's initial meeting and noted that the Committee was tasked with assisting in the planning, development and implementation of a Master plan for Westwind Barn and the associated place and identifying funding for the restoration. Mordo suggested that much of the work would occur in parallel possibly under the auspices of subcommittees of the WCB and all interested volunteers would be welcome to serve as associate members to the Committee.

3. PLANNING COMMISSION REPORT

- 3.1 Lands of Los Altos Hills (Westwind Barn), 27210 Altamont Road: T-Mobile USA Request for a Site Development Permit and Conditional Use Permit for a Wireless Communications Facility to be Collocated on the Approved 65' Tall (Verizon Wireless) Monopine at the Westwind Barn Site; (121-06-ZP-SD-CUP) CEQA Review : Exempt per Section 15301 (a)

Planning Director Debbie Pedro reported that the Planning Commission had reviewed the T-Mobile application and recommended approval of the project. It would be forwarded to the City Council for a Public Hearing at the September 14, 2006 regular City Council meeting.

4. CONSENT CALENDAR

Items Removed: 4.1 (City Clerk), 4.8 (Mordo)

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve the remainder of the Consent Calendar with Councilmembers O'Malley and Mordo abstaining from Item 4.7; specifically:

- 4.2 Review of Disbursements: July 4, 2006 – July 18, 2006 \$66,677.10
- 4.3 Monthly Financial Report
- 4.4 Investment Report for Quarter ended June 30, 2006

- 4.5 Acceptance of Dedication of Right-Of-Way; Lands of Papoulias, 26101 Mauer Lane – Resolution 59-06
- 4.6 Amendment to the Site Development Ordinance Requiring Removal of Eucalyptus Trees at the Time of Site Development Approval (Section 10-2.802 Landscaping Policies) Ordinance 503 (SECOND READING)
- 4.7 Approval of Request for Amendment of Maximum Contribution to City Councilmember Health Coverage Benefits – Resolution 60-06
- 4.9 Approval of Agreement with Assurant Employee Benefits – Resolution 61-06
- 4.10 Award of Contract: The 2005 – 2006 Pavement Rehabilitation Project – Resolution 62-06
- 4.11 Award of Contract: Page Mill Road, El Monte Road Pavement Rehabilitation Project – Resolution 63-06 and Resolution 64-06
- 4.12 Acceptance of the 2005 Sanitary Sewer Repair and Rehabilitation Project Resolution 65-06
- 4.13 Award of Contract: The Sanitary Sewer Management Plan for Los Altos Hills – Resolution 66-06
- 4.14 Resolution Authorizing the Town of Los Altos Hills to Become a Member of a Countywide Sub-Region Consortium with the Purpose of Locally Administering the Association of Bay Area Government's (ABAG) Regional Housing Needs Allocation Process – Resolution 67-06
- 4.15 Notification of Fast Track Approval: Lands of Boynton, 25045 Oneonta Drive; Request for a Site Development Permit for a New 4,608 square foot Two-Story Residence (maximum height 27 feet) and a 1,716 square foot Basement and a New Driveway.(18-06-ZP-SD-GD)

Items Removed:

- 4.1 Approval of Minutes: Regular City Council Meeting July 13, 2006

The City Clerk advised Council that the minutes of the July 13, 2006 were not ready for their consideration and they would be forwarded to the City Council at their next regularly scheduled meeting.

- 4.8 Funding for Community Service Agencies

Council had before them a recommendation from staff for funding of grants to be awarded to the community service agencies. Staff had been directed by the City Council

to tabulate the funding recommendations following the presentation of requests by various community service organizations at the July 13, 2006 Council meeting and had based the allocations on the average of the individual Councilmember recommendations. Councilmember Mordo offered an alternative to the averaging formula that had been used by staff. A spreadsheet outlining his proposal was distributed to Council. Following a brief discussion, Council concurrence was to approve the funding distribution as it appeared in the report prepared by staff. They agreed that it was important to keep the funding consistent with the budget and to increase it proportionally.

OPENED PUBLIC COMMENT

John Radford, resident, Board member, Next Door Solutions to Domestic Violence, addressed Council. He requested Council's consideration to revisit the funding request from his Foundation. They had been scheduled to appear at the July 13, 2006 review process but due to a family emergency, the Foundation's representative was unable to attend. Radford provided a brief overview of the services provided by Next Door Solutions to residents of Santa Clara Valley including Los Altos Hills' residents.

Council thanked Radford for his comments. Council consensus was to consider his request as a separate item following the conclusion of their review of Agenda Item 4.8.

Paul Ginella, Los Altos Legacies, introduced himself to Council and explained that he had hoped to speak at the July 13th meeting but joined the meeting after the community service agency presentations. He explained that his organization provided services to senior citizens in Los Altos and Los Altos Hills.

Council thanked Ginella and suggested that he forward his request for funding during next year's grant review process.

CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to approve Agenda Item 4.8 as indicated in the staff report.

Council discussed Mr. Radford's request. Council consensus was to honor his request because they had been included in the initial group of service agencies considered for grants but had been unable to attend due to unexpected circumstances.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve a grant of \$1,000 to Next Door Solutions to Domestic Violence Foundation.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Public Education: Bring the Future of Public Education to a Vote

Discussed as Agenda Item 9.1.

5.1.2 Underground Utilities: Develop a Financing Plan for Voter Approval

Mayor Warshawsky reported that consultants Godbe Research had completed the development of the telephone survey and the expectation was that the survey process would be initiated in the near term. The results of the survey should illustrate the acceptable level of the utility tax to residents. The Ad Hoc Undergrounding Committee was targeting a mail-in ballot vote in Spring of 2007 contingent on the findings of the survey. Warshawsky noted that the pilot project was on schedule.

5.1.3 Sanitary Sewers: Update and Implement the Master Plan

City Engineer/Public Works Director Henry Louie reported that the Request for Proposals (RFP) for the Sanitary Sewer Expansion Study was scheduled for distribution next week.

City Manager Cahill advised that the Sewer Agreement with Los Altos was moving forward. The revised draft was expected this week and would be forwarded to the City Attorney and Councilmembers Mordo and O'Malley for review.

5.1.4 Wireless Communications: Continue to Improve Town Wide Cell Coverage

Planning Director Debbie Pedro reported that Verizon had submitted their building plans and they were currently under review. Additional projects from T-Mobile and Cingular Wireless were being forwarded to the Planning Commission and subsequently to the City Council for their consideration.

5.1.5 Complete General Plan Review

Councilmember O'Malley reported that consultant Leslie Hopper was on vacation and the Ad Hoc Committee would resume their efforts when she returned. He was hopeful that the General Plan review process could be completed by the end of the year.

5.2 Herbicide Use/Town-Wide Weed Control Program

Mayor Pro Tem Jones introduced this item to Council. Jones explained that he had requested the item be forwarded to the City Council for discussion noting that the issue of herbicide use in Town had been reviewed by the Open Space Committee and staff following an initial inquiry on the subject by a resident. He was seeking additional data that reflected the Town's current use of pesticides in comparison to previous years, and the Town's standard practices for weed abatement. Jones was seeking input of different methodology to reduce the use of herbicides going forward. He noted that the Council had conducted numerous discussions on macro-environmental issues and he believed this

was an important component in a program to enhance the local environment citing the effect that pesticides had on the water shed and residential community. Jones offered that it was important to monitor the Town's program and hopefully reduce chemical exposure to the local environment.

Public Works Director/City Engineer Henry Louie reviewed the Town's weed control program with Council. Currently, the Town's contractor Clark Pest Control uses Roundup PRO mixed with the pre-emergent Simazine 4L. During the 2005-2006 season, the amount of herbicide used was reduced from the previous year with 1.6 gallons of Roundup and 1.6 gallons of Simazine used for maintenance of approximately 80 miles of roadways and pathways. The total usage for the previous season was 1.9 gallons of Roundup Pro and 1.9 gallons of Simazine 4L. Louie explained that the program was an important component in reducing hazardous fuel (vegetation) for fire prevention.

Staff had invited independent resource management consultant Robert Benton to the meeting to answer any questions that Council or the public might have relating to pesticide use.

Benton, a state licensed pesticide advisor, addressed Council. He provided a brief summary of his twenty three years working in the field of integrated pest control management and offered that his clients included numerous state agencies including the California Fish and Game. Benton proceeded with a PowerPoint presentation that provided an overview of herbicides used by the Town (Glyphosate and Simazine), product information and a risk assessment of the Town's program.

Benton concluded that the Town's current use of herbicides for weed abatement (pest management) was a low risk, effective integrated herbicide program. He noted that the Town's use of the products was judicious and neither product was known to have a cumulative effect. Benton considered them safe for the bi-annual spraying program with no unnecessary risk to the residents or environment. He advised that alternatives to herbicides were often not feasible due to terrain or animal habitat and pesticides were often incorporated into habitat restoration and vegetation management programs.

Council discussion ensued. Council concurred that they supported further investigation and testing of alternative methods to control weeds (pests) and favored a further reduction in the amount of pesticide used by the Town. They agreed that the products used by the Town were among the safest herbicides available but suggested that it would be beneficial to use less. They reviewed the costs associated with instituting a pesticide free program that relied on manual labor. Jones spoke to the effective use of goats by the Fire District to manage the fuel load in Byrne Preserve.

OPENED PUBLIC COMMENT

Roger Spreen, Open Space Committee Chair, thanked Councilmember Jones for moving this discussion forward to Council. He reviewed the main objectives of a successful pest control management program that had been identified by the OSC subcommittee tasked with the review of the Town's program. They included: 1) fire safety; 2) pathway access; 3) aesthetics; and 4) non-native invasives.

Spreen explained that the most restrictive and difficult constraint to an alternative weed abatement program were the fire codes. He reviewed the code and noted that it was very difficult to find a program that would meet the guidelines that called for a reduction of weeds (materials) to 6 inches in height ten feet from the roadway and even further if the terrain was sloped.

Spreen encouraged the Council to consider setting up test sites in Town and implementing tests of alternative pest management techniques that were currently being used by Santa Clara County. He concurred that it was difficult to find a single solution that everyone would find agreeable but hoped that there was a program that could be integrated overtime into the Town's program that would encourage the return of natives and prohibit the growth of invasives. Spreen added that pesticides could most likely not be eliminated immediately but eventually phased out.

Karen Lemes, Moody Road, offered that herbicides don't last and did not provide adequate fire prevention. She noted that Foothill College had eliminated the use of all pesticides. She suggested the Council consider a planting program that would eventually restrict the growth of weeds. Lemes distributed literature from Foothill College on the appropriate materials for the alternative program.

Shari Emling, resident, spoke to the return of vegetation on Moody Road that was both aesthetically pleasing and attractive to wildlife and thanked staff for not spraying or weeding the area.

Gitze Couperus, Page Mill Road, reported on the infestation of Hemlock in the creek near his property and the threat of fire. He was concerned that the creek was in a conservation area and the area could not be planted to prevent the growth of weeds.

Sandy Humphries, Environmental Design and Protection Committee, spoke as a resident and explained that she used predatory insects in her greenhouse. She used insect sprays that were not lethal to humans or animals but changed the hormonal factors within the insect so they could not reproduce. Humphries noted that the EDP Committee was investigating as a project of planting native plants in roadway medians throughout Town.

CLOSED PUBLIC COMMENT

Public Works Director Henry Louie clarified that the Town did not spray herbicides along creeks or in drainage ditches.

City Manager Carl Cahill commented that staff, going forward, would develop an integrated pest management plan to control roadside vegetation and would return to Council for comment. He noted that if outside technical assistance was required with the

process, the Open Space Committee could enlist that assistance. Public Works should be kept apprised of any proposal as it was being defined. Once the program was developed, areas throughout Town could be identified as test sites.

Mayor Pro Tem Jones spoke to his appreciation of Councilmember Kerr's quantitative approach to environmental goals that have been implemented by the Town and suggested that it would be appropriate to integrate the goal of reducing herbicide use by the Town. Jones suggested that he would like the Council to consider encouraging the Town to continue its efforts to develop an integrated pest management herbicide program with the long term goal of a further 25% reduction of herbicide in the most cost effective manner possible; to direct staff to continue their training in integrated pest control methods; and, to encourage the Open Space Committee to work with staff to develop the program.

Councilmember Mordo offered that Council consensus was that they would be amenable to incurring additional costs within reason to minimize the use of herbicides

Councilmember Kerr expressed his concern that pathways were not being maintained and he did not want to see a program instituted that would create any additional access problems. He supported the planting of natives but would like to see the maintenance department focus on improving paths and auxiliary structures.

Jones concurred with Kerr's concern and suggested that it be addressed as a separate agenda issue but possibly pursued in concert.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to direct staff to continue to pursue and integrated pest management program in collaboration with the Open Space Committee that would include a long term goal of at least 25% reduction in herbicide use and include experimentation over the next year of methods that might lead to successfully meeting the goal and result in a comprehensive integrated pest management program.

6. NEW BUSINESS

6.1 Request for Additional Funding for Horse Stables at Westwind Barn and Funding for Space in Byrne Preserve for the Year' Round Riding Program

Councilmember O'Malley abstained from participation in Agenda Item 6.1 and stepped down from the dais.

Parks and Recreation Supervisor Tod McLemore introduced the item to Council. He explained that the Friends of Westwind had increased their fees since the distribution of the meeting packet (staff reports) and provided a revised spreadsheet of monthly stabling costs. McLemore reviewed the request and explained that the funding was for a not to exceed amount of \$8,100 for barn and pasture rent for the Year Round Riding Program and summer youth riding camp through February 28, 2007.

Councilmember Mordo expressed his concern in approving the request without any supporting financial reports on the Year Round Riding Program.

Mayor Pro Tem Jones offered that long term review of the facilities and management of the programs depends on solving the governance issue and the results of the newly established Westwind Community Barn standing committee. He suggested that the current stabling of the horses was the status quo and should continue in the interim in order to continue the very popular riding program.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to approve the funding request submitted by the Parks and Recreation Department for stabling of the horses used by the Year Round Riding Program and Summer Horseback Riding Camp. Staff was directed to include additional financial reports on the horse programs with any future requests for funding.

6.2 Traffic Safety Improvement – New Stop Signs

City Manager Cahill advised Council that Lt. Terry Calderone, Santa Clara County Sheriff's Department was present to answer any traffic safety questions. He clarified that the City Engineer, acting as the City Traffic Engineer, had made the decision with the approval of the City Manager to install the new traffic signs and the Sheriff's Department had not participated in the decision.

City Engineer/Director of Public Works Henry Louie addressed Council. He proceeded with a PowerPoint presentation that identified the location of the new stop signs; provided an aerial of the installation area; and, photos of the intersections. Louie reviewed the process that staff undertakes before installing a stop sign for public safety and offered that the installation needed to meet the Town's municipal code requirements; California Vehicle Code; and stop sign warrants established by the State (Traffic Manual). The stop signs were installed following a traffic engineering study completed by Town staff after receiving claims of vehicle and bicycle accidents at the intersection.

OPENED PUBLIC COMMENT

Betty Kerns, Francemont, questioned if the stop sign was needed and advised that it was her belief that the Town had not properly educated the public on the newly installed signs. She cited the several traffic codes that require signage, education and visible warnings for thirty days when a new stop sign was installed. She complained that the signs had no line of site and were in the wrong location.

Ed Emling, Murietta Lane, explained that he was a 26 year resident and appreciated the efforts of staff. He offered that the traffic study had not been very thorough and there were more dangerous areas on Moody Road with speeding vehicles and bicyclists that should have been considered for signage. He suggested that Council direct their attention to the errant ways of bicyclist on Moody Road. Emling questioned the response he received from the Public Safety Officer when he questioned the installation of the stop signs.

Shari Emling, Murietta Lane, concurred with her husband's remarks and suggested that the real public safety issue were the bicyclists and suggested that the stop sign was not needed at the intersection. Emling offered that there were many other areas that warranted the signage. She challenged the City Engineer's traffic study.

Christopher Smith, Altamont Road, explained that he was a long time resident and was before Council to register his support for the new stop signs and offered that they were successful in slowing traffic. He concurred that bicyclists presented a problem on Moody and Altamont but he had observed them stopping at the new sign at the intersection. He favored more traffic studies on the area and monitoring of the speed.

Jim Abraham, Viscaino Road, thanked the Town staff for the new stop signs and concurred that they were needed. He had observed rampant speeding violations on the street this summer especially when Little League games were scheduled at the Purissima fields. Abraham supported some type of speed control being installed on Viscaino Road.

CLOSED PUBLIC COMMENT

Lt. Calderone, Santa Clara County Sheriff's Department, addressed Council. He spoke to the vehicle incident reports that had been forwarded to the Town. Calderone explained that his deputies take a proactive approach when a new sign is installed, monitor the intersection and work with motorists and bicyclists to educate them. Warnings had been issued in the area and subsequently, citations would be issued to violators.

Council discussion ensued. Council concurred that the intersections that had received the new signage were dangerous and that their installation was an issue of public safety. Staff was encouraged to continue their efforts to improve public safety but going forward they were directed to keep the Council apprised of all new sign installations and to include resident education as a component of the process.

COUNCIL RECESSED AT 8:55

COUNCIL RECONVENED TO OPEN SESSION AT 9:05

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Mordo reported that the Finance and Investment Committee expected to present their findings on Employee Retirement Health Benefits to the City Council in October. They were currently investigating a proposal that would greatly reduce the Town's liability by increasing an alternative liability that would be more predictable and potentially less expensive. Mordo noted that he would forward several alternatives to Council to address the issue.

Councilmember Kerr reported that the VTA was on hiatus.

Councilmember O'Malley reported that he had joined the Parks and Recreation committee on a site visit to the Town's property on O'Keefe Lane. They were reviewing it as a potential location for a soccer field. Council consensus was to discuss the options for the property at the August 24, 2006 Council Goal Setting Session.

Councilmember O'Malley advised Council that the Santa Clara Valley Water District has developed a priority list of their top projects for Santa Clara County and Adobe Creek has been identified as number three (3).

8. STAFF REPORTS

8.1 City Manager

None

8.2 City Attorney

None

8.3 City Clerk

8.3.1 Report on Council Correspondence

None

9. COUNCIL-INITIATED ITEMS

- 9.1 Consideration of Dissolution of Standing Public Education Committee (PEC) and Creation of New Ad Hoc Committee on District Reorganization with Additional Funding for the New Ad Hoc Committee of Up to \$50,000 for Professional Assistance in the Prosecution of the Council Approved Petition before the Santa Clara County Office of Education – Mayor Pro Tem Jones

Mayor Pro Tem Jones introduced the agenda item to Council. He noted that before Council were three distinct items for their consideration.

The first item for Council consideration was the dissolution of the Standing Public Education Committee. Jones noted that the committee was established primarily as a fact finding body tasked with gathering and consolidating information; considering and evaluating alternatives for public education in the Town; and, making recommendations to the Council. They had effectively and successfully completed their mission. Committee members were in concurrence that it was appropriate for the committee to be dissolved.

The second issue offered by Jones was the creation of an Ad Hoc Committee on District Reorganization. Jones reviewed the definition and legal characteristics of an Ad Hoc Committee noting that they were charged with a specific purpose with a limited scope and for a limited time. He advised Council that the Ad Hoc Committee would be an effective way to organize the volunteer membership that would be divided initially into four subcommittees dedicated to different agendas within the scope of the reorganization effort. Mayor Warshawsky and Jones would serve on the steering committee with chairs

from each of the subcommittees. The Mayor and Mayor Pro Tem would be responsible with any funding approvals.

The third issue was a request for additional funds of \$50,000 for engaging all sources of professional assistance including legal, political and educational for the Ad Hoc Committee. The funding request was in addition to the Public Education Committee's current budget of \$20,000 which would be transferred to the Ad Hoc Committee.

Jones concluded that redistricting was a long term, complicated process. The school districts have very large staffs to oppose the redistricting effort and Jones advised that to be successful, the Town would need a large base of volunteers and professional advisors.

Council discussion ensued. They concurred that it was appropriate to disband the Public Education Committee to allow interested members to direct their attention to the Ad Hoc Committee and noted that the PEC membership had embraced the dissolution and voted unanimously to support it. Professional assistance was deemed critical acknowledging that the Town had a small staff and the Town was faced with formidable opposition.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by O'Malley to disband the Public Education Committee with a commendation to the membership for their services; to create the Ad Hoc Committee on District Reorganization organized with the membership of Mayor Warshawsky and Mayor Pro Tem Jones; and to allocate additional funding to the Ad Hoc Committee on District Reorganization of up to \$50,000 beyond the current budget with the expenditure of those funds under the authority of the Mayor.

9.2 Request for Use of Town Mailing List – Mayor Warshawsky

Mayor Warshawsky explained that he had received a request from former Mayor Toni Casey to use the Town's resident mailing list. He requested background information on the list from the City Manager.

City Manager Cahill noted that the mailing list was created by staff in 2004 to facilitate town wide noticing. The property addresses were culled from assessor's parcel numbers which were public information and the data was imported into an excel database/spreadsheet. Property owners names were not identified in the list. The mailing house used by the Town adapted the list into their special software for label addressing purposes. Cahill believed the request for the Excel spreadsheet was consistent with the Public Records Act but that the mailing list created by AID Mailing was owned by the company. This was the first request the Town had received for the information. Council's decision on the request would be the Town's policy going forward in response to such requests.

City Attorney Steve Mattas advised that the mailing list was a public record and was in the possession of the Town and unless there was a basis for withholding that record, the Public Records Act makes it public. Mattas added that because names were not used in the list, there was no privacy issue or exception to the Public Records Act that would

exclude the Town from releasing the list. Mattas clarified that the PRA applied to all forms of data compilation including electronic.

Council discussion ensued. Councilmember O'Malley suggested that the Council consider releasing the mailing list to civic organizations. He noted that their membership was open to all residents. Councilmember Mordo supported providing the list to the requestor. Councilmember Jones suggested that going forward the Town have a policy to share the compiled list of addresses with residents and Los Altos Hills civic groups consistent with the Public Records Act.

Cahill requested clarification on which list the Council would be availing to a request, the spreadsheet or the list at the mailing center. City Attorney Mattas noted that the list at the mailing center was most likely not a public record and had a proprietary use by the mailing center with their converted software.

OPENED PUBLIC COMMENT

Jitze Couperus, Page Mill Road, commented that any database with raw data could be converted to include names and he cautioned the Council regarding the ability of "value added information" and suggested that the Town never add the property owners names to the list.

John Harpootlian, Anacapa Drive, requested clarification on where the data was from. He noted that if a product like Metro Scan was used, the lease agreement with the vendor might not allow the distribution of the information. He suggested that the Town verify with the vendor that the information could be shared.

CLOSED PUBLIC COMMENT

MOTION MADE AND FAILED: Moved by O'Malley to allow the Civic Association and Hills2000 to use the mailing list at AID Mailing, Inc. Motion failed due to the lack of a second.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed that the Town provide the database that had been compiled by staff with town addresses to residents and town civic groups who request it consistent with the Public Records Act. **AYES:** Kerr, Jones, Mordo **Warshawsky** **NOES:** O'Malley

9.3 Consideration of Resolution in Support of Proposition 86-The Tobacco Tax Act of 2006 – Councilmember Mordo

Councilmember Mordo spoke to the resolution that he had forwarded to Council in support of Proposition 86. He requested Council consideration of endorsement of Proposition 86.

Mayor Pro Tem Jones offered that the state excise tax on cigarettes funds would be used for health care, education and research. He favored endorsement of the Proposition

noting that the initiative was well written and would discourage cigarette smoking and was intelligent, long term public policy.

Councilmember O'Malley noted that he could support the resolution but expressed his concern that the proposed tax was a regressive tax and would impose an unfair burden on the poor.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Jones and passed unanimously to adopt Resolution 68-06 in support of Proposition 86.

10. PRESENTATIONS FROM THE FLOOR

Dot Schreiner, Saddle Mountain Drive, advised Council of a recent news article in the Los Altos Town Crier regarding the Town fulfilling their obligation to provide affordable housing. She spoke to a recent article in the San Jose Mercury News that related to the Housing Element and awarded the Town an A+ for their program. Schreiner spoke to her personal knowledge of young families that are benefiting from the Town's "granny unit" program.

Jill Jensen, Purissima Road, suggested that someone from staff be directed to monitor action in neighboring communities that related to issues that would impact the Town and keep the Council apprised. She was making the request on behalf of resident Steve Hubbell. Jensen suggested that Robleda Road be included in any further traffic study due to the speeding motorists.

Jim Abraham, Emergency Communications Committee, reported that the emergency communications antennas collocated on the Cingular wireless facility (tower) at Town Hall had been tested and were performing great! He expected the existing flag pole tower next to the Heritage House to be removed in the near future now that the other antenna was in full operation. Abraham added that the working relationship with Cingular and the Town's Emergency Communications Committee had been very cooperative and productive.

11. PUBLIC HEARINGS

11.1 Review and Consideration of an Initial Study and Adoption of a Mitigated Negative Declaration for the Moody Road/El Monte Road Pedestrian and Bicycle Pathway Project

Planning Director Debbie Pedro introduced the item to Council. She provided a brief overview of the project noting that it included the construction of a bicycle and pedestrian pathway along Moody Road/El Monte Road and through part of Foothill College and a new pedestrian/bicycle bridge over Adobe Creek. Pursuant to CEQA requirements, an Initial Study/Mitigated Negative Declaration had been prepared for the project by MHA Environmental Consulting, Inc and all legal noticing requirements had been met. Pedro noted that Jennifer Cutler, Environmental Planner, MHA, was available to answer Council questions.

Councilmember Kerr offered that he expected to be successful in securing financial participation from Foothill College for the pathway project. He was working with Chancellor Kantor and had appeared before the Board of Trustees.

OPENED PUBLIC HEARING
CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Mordo and unanimously passed to adopt the Mitigated Negative Declaration for the Moody Road/El Monte Road Pedestrian and Bicycle pathway project.

11.2 Amendments to the Town's Zoning and Site Development Ordinance with
Regard to Development on Ridgelines, Hilltops and Hillside Lots (Formerly
Called Highly Visible Lots) (Section 10-2.702) (CEQA Review: Exempt
Pursuant to Section 15061(b))

Mayor Warshawsky suggested that Council consider continuing discussion of this item to the second meeting in September to permit a town-wide notice of the public hearing. Warshawsky noted that many residents traveled during the summer months, and a rescheduling of the item to a later meeting would afford them the opportunity to participate in the hearing.

City Manager Cahill explained that Council could open the public hearing, conduct discussion and take public comment and then continue the item to a date specific to take any action on the ordinance.

Planning Director Debbie Pedro introduced the item. She provided a brief overview of her staff report and highlighted the proposed amendments to the Town's site development ordinance regarding highly visible lots. They included: 1) replacement of the term "highly visible lots" with the term "hillside lots"; 2) strengthening and clarification of development standards language to ensure that structures on ridgelines, hilltops and hillsides were unobtrusive this included the requirement of the use of a sloped roof with a minimum pitch of 4:12; 3) the addition of a new development standard limiting flat-roofed portions of structures on ridgelines, hilltops and hillsides to a maximum height of 22 feet. In addition to the recommendations by the Ad Hoc Planning Committee, which was established by the City Council in 2005 to study the issue of highly visible lots, staff had an additional recommendation that hillsides be further defined as lots with an average slope of 15% or greater.

Councilmember Jones queried what percentage of the lots in Town would fall within this category. Pedro believed it would affect half to two thirds of the lots.

Jones offered that the original intent of the Council when it formed the Ad Hoc Committee to review the issue of highly visible lots was to correct the ambiguity in the site development ordinance. He commented that the ordinance amendment before

Council was broad, far reaching and comprehensive and did not reflect the goal identified by Council.

Councilmember Mordo concurred. As a member of the Ad Hoc Planning Committee, his expectation had been that they were drafting language that would better clarify the code and not affect such a large percentage of the Town's lots. He did not support the staff recommendation of using 15% slope as a detriment of hillside. Mordo offered that it was not a slope issue but a design/architectural issue on how a residence "fit" on the lot. He believed this would require a residential guideline and acknowledged that there was currently no support for a guideline or architectural review board or commission.

Council discussion ensued. Mayor Warshawsky concurred that it was very difficult to quantify the term "highly visible or view". Council did not support the draft ordinance and consensus was to table the ordinance.

OPENED PUBLIC HEARING

Jim Abraham, Vicsaino Road, suggested that the proposal before Council would have an impact on at least 75% of the residents in Los Altos Hills. He believed the current ordinances that pertained to building on hillside lots was all ready very restrictive.

Eric Clow, Central Drive, noted that he had served on the Ad Hoc Planning Committee as a Planning Commission representative. He agreed with the Council's assessment of the proposed ordinance and supported not moving forward with the amendment.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to table the draft ordinance and to direct staff to return to the City Council with an ordinance amendment eliminating the reference of "highly visible lot" in the site development ordinance.

Council adjourned to Closed Session at 10:40 p.m.

Councilmember O'Malley abstained from participation in the Closed Session.

12. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9 (c))

Initiation of Litigation: One Case

Council Reconvened to Open Session at 11:10 p.m.

Report out on Closed Session items: No action was taken.

13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 11:10 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The July 27, 2006 City Council Meeting minutes were approved as presented at the September 14, 2006 City Council Meeting.